



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,304	01/25/2001	Aviel D. Rubin	2685/5433	4137

23838 7590 03/11/2005

KENYON & KENYON
1500 K STREET, N.W., SUITE 700
WASHINGTON, DC 20005

EXAMINER

NANO, SARGON N

ART UNIT	PAPER NUMBER
----------	--------------

2157

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/768,304	RUBIN ET AL.	
	Examiner	Art Unit	
	Sargon N Nano	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO AMENDMENT

1. This action is responsive to the amendment filed on November 10, 2004. Claims 1-24 are pending examination.

2. ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-3 and 6-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Richard et al., U.S Patent No. 6,249,873.

Richard teaches a method of distributing revocation state information includes receiving first update scheduling information from a first party, and sending digital certificate revocation state information (see abstract).

As to claim 1, Richard teaches a method of distributing revocation state information, the method comprising:

receiving first update scheduling information from a first party; and sending digital certificate revocation state information to the first party according to a schedule that is based on the first update scheduling information (see col. 3, lines 45-56 and col. 11, lines 12-18).

As to claim 2, Richard teaches the method wherein the method further comprises: receiving second update scheduling information from a second party; and sending digital certificate revocation state information to the second party according to a schedule that is based on the second update scheduling information. (See col. 3, lines 45-56 and col. 11, lines 12-18).

As to claim 3, Richard teaches the method wherein the digital certificate revocation state information is sent to the first party on a different schedule than the digital certificate revocation state information is sent to the second party (see col. 3, lines 45-56 and col. 11, lines 12-18).

As to claim 6, Richard teaches the method wherein the method further includes receiving new update scheduling information from the first party, and wherein when the new update scheduling information is received the digital certificate revocation state information is sent to the first party according to a schedule that is based on the new update scheduling information (col.3, lines 45- 56 and col.11, lines 12-18).

As to claim 7, Richard teaches the method wherein the digital certificate revocation state information sent includes a certificate revocation list (col.10, lines 60-67).

As to claim 8, Richard teaches the method wherein the digital certificate revocation state information includes information identifying revoked certificates (see col.10, lines 60-67 and col.11 lines 1-6).

As to claim 9, Richard teaches the method wherein the digital certificate revocation state information sent includes delta-certificate revocation list information. (See col.10 lines 58-67).

As to claim 10, Richard teaches the method wherein sending digital certificate revocation state information includes sending information using multicasting (see col.3, lines 45 – 56 and col.11, lines 12-18).

As to claim 11, Richard teaches a method of distributing revocation state information, the method comprising: receiving update scheduling information from a digital certificate verifier; assembling certificate revocation information on an ongoing basis; and capturing a state of the certificate revocation information as a certificate revocation list and transmitting the captured certificate revocation list to the digital certificate verifier on a schedule determined by the received update scheduling information (see col.3 , lines 45-56 and col.11 lines 12-18).

As to claim 12, Richard teaches the method wherein the captured certificate revocation list is transmitted using multicast broadcasts (see col.3, lines 45-56 and col.11 lines 12-18).

As to claim 13, Richard teaches the method wherein the captured certificate revocation list is a delta-certificate revocation list (see col.10, lines 58-67).

As to claim 14, the Richard teaches the method wherein said update scheduling information is received during a verifier subscription process (col.2, lines 57-67 and col.3, lines 1-6).

As to claim15, Richard teaches the method wherein the method further comprises receiving new update scheduling information from the verifier, and wherein the revocation state information is transmitted according to a schedule that is based on the new update scheduling information (see col.3 lines 45-56; col.11, lines 12-18 and col.2, lines 57-67).

As to claim16, Richard teaches a method of verifying the validity of a certificate for a transaction, the method comprising: sending update scheduling information to a certificate authority; and receiving certificate revocation information from the certificate authority at scheduled times based on the update scheduling information at scheduled times (see col.7, lines 56-67 and col.8, lines 1-19).

As to claim 17, Richard teaches the method wherein the method further comprises: receiving a digital certificate from a subscriber; and determining whether the digital certificate was revoked based on the received certificate revocation information (see col. 11, lines 1-20).

As to claim 18, Richard teaches the method wherein said sending update scheduling information includes determining the update scheduling information based on a potential cost of reliance on a revoked certificate (see col. 8 lines 60-67).

As to claim 19, Richard teaches the method wherein the method further comprises:

receiving a digital certificate from a subscriber;

determining whether the transaction is associated with a value that is above a pre-determined threshold level; and

verifying the validity of the digital certificate after receiving a next update of certificate revocation information from the certificate authority (see col. 8 lines 60-67; col. 9, lines 1-11 and col. 7, lines 44 - 48).

As to claim 20, Richard teaches An article of manufacture comprising a computer-readable medium having stored thereon instructions adapted to be executed by a processor, the instructions which, when executed, cause the processor to:

receive first update scheduling information from a first party; and

send digital certificate revocation state information to the first party according to a schedule that is based on the first update scheduling information (see col. 3 lines 45-56 and col. 11, lines 12-18).

As to claim 21, Richard teaches the article of manufacture wherein the instructions stored on the computer-readable medium further include instructions adapted to be executed by a processor to: receive second update scheduling information from a second party; and sending digital certificate revocation state

information to the second party according to a schedule that is based on the second update scheduling information (see col. 3 lines 45-56 and col. 11, lines 12-18).

As to claim 22, Richard teaches the article of manufacture wherein the first interval is not equal to the second interval (see col. 9, lines 60-67 and col. 10, lines 1-10).

As to claim 23, Richard teaches the article of manufacture wherein the instructions stored on the computer-readable medium further include instructions adapted to be executed by a processor to receive new update scheduling information from the first party, and wherein the digital certificate revocation state information is sent to the first party according to a schedule that is based on the new update scheduling information. (See col. 3 lines 45-56 and col. 11, lines 12-18).

As to claim 24, Richard teaches the article of manufacture wherein the digital certificate revocation state information sent includes delta-certificate revocation list information. (See col.10, lines 58-67).

4. Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

Art Unit: 2157

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 and 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Richard et al., U.S Patent No. 6,249,873 (referred to hereafter as Richard) in view of Facq et al. Patent No. 6,016,520 (referred to hereafter as Facq)

Roberts teaches a method of distributing revocation state information, the method comprising:

receiving first update scheduling information from a first party; and sending digital certificate revocation state information to the first party according to a schedule that is based on the first update scheduling information (see col. 3, lines 45-56 and col. 11, lines 12-18).

Roberts does not explicitly teach the limitation of "the schedule provides that the digital certificate revocation state information is sent to the first party at an interval that is less than every 30 seconds and less than every 5 seconds". However, Facq teaches sending the information to the first party at an interval that is less than 5 seconds (see col.15, lines 47-52). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the sending of information in less than 30 and 5 seconds because doing so would increase the utilization of the connection bandwidth hence reducing the latency that would otherwise delay the transfer.

RESPONSE TO ARGUMENT

5. Applicants' arguments filed November 10, 2004 have been fully considered but they are not persuasive. In the remarks, the applicants argue in substance that; A) applicants request that a citation and provision of a reference to support the official notice that was taken by the examiner to support the rejection of limitation "schedule provides that the digital certificate revocation state information is sent to the first party at an interval that is less than every 30 seconds and less than every 5 seconds"; B) Richard does not disclose sending digital certificate revocation state information to the first party according to a schedule that is based on first update scheduling information ; C) the applicant argues receiving update scheduling information.

In response to A); examiner cites Cunningham et al. U.S. Patent No. 6,754,621 (see Cunningham col.4, lines 46 – 61). Cunningham teaches a method of polling updates of information from a server where the polling requests are executed once every second.

In response to B); Richard teaches a server receives a client's Distinguishing Name and then searches its directory for identification information and access control rights for specific context. Richard also teaches a client or server can verify the peer identity of a secure communicator by relying on the trusted home directory service where Public key certificates, certificate revocation lists, pending certificate requests, Certification Authority policy and other information is stored (see abstract). There is no limitation in the claim language on the content of the first update scheduling information, i.e. time interval, date or any indication of a time frame on when the update would be

sent and therefore the user's request taught by Richard meets the scope of the claimed limitation "receiving first update scheduling information from a first party" (see col. 2 lines 42 – 56).

In response to C) Richard teaches the administrator can add new certificates and modify certificate revocation lists (see col. 3 lines 55-65). The user can further send a request to view or retrieve the modified certificate revocation lists. There is no limitation on how the information is being updated and therefore the administrator's adding and modifying of the list taught by Richard meets the scope of the claimed limitation "receiving update scheduling information".

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sargon N Nano whose telephone number is (703) 305-4651. The examiner can normally be reached on Monday-Friday from 8:30 to 5:00.

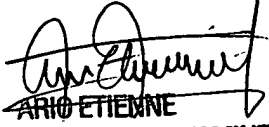
Art Unit: 2157

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308- 7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sargon Nano

Feb. 22, 2005


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
EBC/NOLOGY CENTER 2100